

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

March 08, 2021

Nathan Ochsner, Clerk of Court

United States of America

v.

Xavier Jay REYES

Date of Birth: 12. 1996

Case No. **4:21mj0466***Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 5, 2020 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 2252A(a)(2)(B)

Distribution of Child Pornography

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.*Complainant's signature*

Laura J. Gill, Special Agent

*Printed name and title*

Sworn to telephonically.

Date:

3-8-21*Judge's signature*

City and state:

Houston, Texas

Andrew M. Edison, U.S. Magistrate Judge

*Printed name and title*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN THE MATTER OF:**

Xavier Jay Reyes

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Case No.

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**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Laura J. Gill, being duly sworn, hereby depose and state the following:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge, Houston, Texas. I have been employed by Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), as an HSI agent for approximately ten years. I am currently assigned to the Cyber Investigations Group (CIG), and as part of my daily duties as an HSI agent assigned to this group, I investigate criminal violations relating to child exploitation and child pornography including violations of Chapter 109A, Chapter 110 and Chapter 117, all contained within Title 18 of the United States Code. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review examples of child pornography in various forms of media including computer media. I have also participated in the execution of search warrants; a number of which involved child exploitation, child pornography and online solicitation offenses.
2. This Affidavit is made in support of a criminal complaint charging Xavier Jay REYES with violating Title 18 U.S.C. § 2252A(a)(2)(B), the distribution of child pornography.
3. This Affidavit is being submitted for the limited purpose of securing a criminal complaint. I have not included each and every fact known to me concerning this investigation; I have set forth only those facts I believe are necessary to establish probable cause that evidence of violation of 18 U.S.C. § 2252A(a)(2)(B), distribution of child pornography, occurred on or about October 5, 2020, and was committed by Xavier Jay REYES. Throughout this

Affidavit, statements made by sources of information and other witnesses are set forth in substance and in pertinent part unless otherwise indicated. Further, the facts and circumstances of this investigation have not been set forth in pertinent part for the purpose of this Affidavit and do not include the complete factual history of this investigation, or all of its details.

**Factual Basis to Support Criminal Complaint**

4. On or about October 5, 2020, HSI Special Agent (SA) David Alley ("SA Alley"), working in an undercover capacity, observed that a Kik user identified as dragonlord0432, had uploaded an image to a Kik chat group of a fully nude Caucasian female seated in a vehicle with her back against the door, legs splayed, vagina displayed in a lewd and lascivious manner, with the caption "13 yo I been fuckin" on or about October 3, 2020 and again on or about October 4, 2020.
5. On February 11, 2021, your Affiant reviewed the evidence sent by SA Alley regarding his contact with dragonlord0432, and observed that on or about October 5, 2020, SA Alley (referred to as "UC" in the following conversation) initiated a direct message chat with dragonlord0432. The following is a summary of that conversation:

UC: "Who's that 13 yo"

**dragonlord0432:** "Just some girl I been fuckin"

UC: "Mmmm how'd you meet her" "33m here"

**dragonlord0432:** "Internet lol" "U relly got a daughter?"

*(The UC uploaded an image of a prepubescent female purported to be his 8-year old daughter.)*

UC: "Yes"

**dragonlord0432:** "Anymore?"

dragonlord0432 uploaded a 1:32 minute video which is described as follows:

This video is of a juvenile Caucasian female approximately 13-years of age fully nude seated in the backseat of a vehicle with what appears to be an adult Hispanic male nude from the waist down and wearing a blue t-shirt. The Hispanic male is not circumcised. The male asked the juvenile female "Who's daddy's girl?" and then instructed her to look at him as he asked, "You're my bitch, right?" The male

stuck his thumb into the juvenile female's mouth like you would a fish and pulled her head back down to his erect penis. A tattoo is partially visible on his left wrist with the numbers "6-9-7? (This number following 7 is illegible)" and "10-31-19" as he forces the juvenile female's hand off his erect penis and repeatedly shoves her head down forcing his erect penis deeper into her mouth causing her to gag. After the juvenile female gagged and pulled her head away from the male's erect penis, he grabbed her neck forcibly with his left hand, digging his thumb into the center of her throat as he asked "Did I say you could stop?" The juvenile female replied, "no sir" The male released the juvenile female's neck and ordered her "to keep on sucking" as he forced her head down onto his erect penis. The juvenile female gagged and pulled away and then the male instructed her to "lick my cock, lick it from the top to the bottom." The juvenile female asked the male "how, I have never done this before." The male continued to give instructions to the juvenile female while he moved his penis and her head around with his hands.

UC: "A couple" "Ohhhhhh she like it? Or you have to make her"

**dragonlord0432:** "She does what she's told" "I want more proof of your daughter"

UC: "Ok" "How old are you? 33m here"

**dragonlord0432:** 23

*(The UC Uploaded an image of a prepubescent Caucasian female seated and holding a stuffed monkey on her lap and pushed up against her chest.)*

UC: "Ever have to force?"

**dragonlord0432:** "Nope" "I just really find it hard to believe she's urs lol seems too professional"

UC: "What do you want? Lol sorry"

dragonlord0432 uploaded a 26 second video which is described as follows:

This video appears to have been recorded during the same event as the 1:32 minute video described above. The juvenile female is fully nude while holding the Hispanic male's penis in her left hand. The Hispanic male instructed the juvenile female to "suck it." The juvenile female made a whiney sound to which the Hispanic male responded by pulling her right arm towards him and to the side as he questioned her "what did I tell you?" The juvenile female then placed the Hispanic male's erect penis in her mouth and moved her head up and down while the Hispanic male uttered "good girl." The Hispanic male placed his left hand on the top of the juvenile female's head and forced his erect penis into her mouth and then grabbed her by her hair and pulled her away from his penis. The Hispanic male then instructed the juvenile female to "look at me" "suck my dick." The juvenile female responded, "yes sir." The Hispanic male continued, "while you are looking at me." The Hispanic male then placed his hand on the juvenile female's head and forced his erect penis into her mouth until she gagged and pulled her head back. A tattoo on the Hispanic male's left arm is partially visible. The tattoo appears to be a sword or knife of some type with a banner around it containing the words "May the force be with you."

*(The UC uploaded an image of a laundry hamper containing what appears to be*



*young girl's clothing. There is an adult sized hand with a pair of soiled white panties covering just the fingers and thumb of the hand.)*

**dragonlord0432:** "Any of her naked"

UC: "Nah no dirty pics atm"

**dragonlord0432:** "Needa get some"

UC: "What do you wanna see" "Yea"

**dragonlord0432:** "I'd believe you a lot better"

UC: "Ok cool" "How long you been with your girl"

**dragonlord0432:** "About a year we've only fucked 2 times unfortunately"

dragonlord0432 uploaded a 48 second video which is described as follows:

This video appears to have been taken during the same episode as described above. The juvenile Caucasian female is lying on her back with her head and neck resting on the arm rest of the vehicle door. The Hispanic male appears to still be wearing the blue t-shirt as he forced his erect penis into her vagina. The Hispanic male instructed the juvenile female "tell me you love me." The juvenile female mumbled "I love you." The Hispanic male questioned the juvenile female "how much?" The juvenile female responded, "a lot." The Hispanic male queried further "do you love my cock in your pussy?" "You're my little slut huh?" "My little 13-year old slut." "All mine huh." The Hispanic male then forced his thumb into the juvenile female's mouth twice and then audibly slapped her across her face twice. The Hispanic male asked, "do you like it whenever I slap you?" The juvenile female can be seen wincing in pain. The Hispanic male then used his right hand to begin choking the juvenile female. A tattoo on his right inner forearm is partially visible. It appears to be the Marvel cartoon character Venom.

UC: "How come"

**dragonlord0432:** "She's scared to sneak out"

*(dragonlord0432 uploaded another 48 second video of what appears to be from the same episode as described above.)*

UC: "When was the last time" "She know you film her?"

**dragonlord0432:** "It's been about 2 months n yea"

UC: "Was she 13 when you started"

**dragonlord0432:** "Yea unfortunately" "Right after her birthday"

UC: "Lol you like younger too?" "Near Michigan by chance"

**dragonlord0432:** "Nope" "Youngest I'd probably do is 8"

UC: "Haileys 8" "What's your girls name"

**dragonlord0432:** "Can share that info man lol" "Cant\*"

UC: "Oh lol I gotcha" "Then forget I said my daughter name"

**dragonlord0432:** "Lol ur find"

UC: "Her name Steve in that case"

**dragonlord0432:** "fine"

**dragonlord0432:** "I still want more proof she's yours lol"

UC: "I can take a pic tonight tell me what you wanna see"

**dragonlord0432:** "Have you fucked her?"

UC: "Back in a bit @work now" "Just oral" "Any more of your girl?"

**dragonlord0432:** "A video of her giving you head would be nice" "N not really but I have other girls I been fucking 13-16 I'd share"

UC: "Mmmmm yeah? You rough with them too?"

**dragonlord0432:** "Mhm"

UC: "Oooh May I peek"

**dragonlord0432:** "What u get until later"

*(dragonlord0432 uploaded 32 second video of what appears to be a separate episode with perhaps a separate Caucasian female.)*

UC: "Mmmmm ok" "How old was that one"

**dragonlord0432:** "13"

UC: "Man you're good how do you find these"

**dragonlord0432:** "Internet lol"

UC: "Lol" "They come to you?"

**dragonlord0432:** "Eh lol"

UC: "Hahaha" "How do u know they won't tell anyone" "That's my fear lol"

**dragonlord0432:** "They usually have daddy issues" "I have one rn that tried to get me in trouble but we ain't done nun since 2017"

UC: "That's good"

**dragonlord0432:** "And she didn't wanna deal with the Court shit" "She's special ed"

UC: "Lol yeah" "Youngest you're into?"

**dragonlord0432:** "I have videos of her but I ain't sharing them just Incase"

UC: "That's fair"

**dragonlord0432:** "Man probably 10" "But I'd fuck younger"

UC: "Mmmmm you had a 10 before?"

**dragonlord0432:** "Youngest I've been with is 12"

UC: "Nice"

**dragonlord0432:** "Mhm"

UC: "Any of em fight you?"

**dragonlord0432:** "Nah"

UC: "Cool" "Wish I wasn't at work"

**dragonlord0432:** "Lol" "lol same love to see more of that daughter"

UC: "Tell me what you wanna see" "I'll be home later"

**dragonlord0423:** "Maybe her naked?" "Sucking you off" "A video of you rubbing your head on her pussy would be nice" "Penetration too but ik u ain't down for that"

UC: "Nah honestly wanna sell her first time" "Just kinda my thing lol" "Any more of your girls while I'm stuck at work"

**dragonlord0423:** "Lol" "Ima wait till you get off worm" "Work"

UC: "Boo lol"

**dragonlord0423:** "Don't wanna get my hopes up or have my time wasted lol"

UC: "Lol ah ok"



6. On October 5, 2020, SA Alley sent an emergency disclosure request to Kik for IP and subscriber information related to Kik user dragonlord0432.
7. On October 6, 2020, Kik responded to the emergency disclosure request with the following information:

Name of user: Shiz nips  
Email: xavier\_jay@aol.com (unconfirmed)  
Username: dragonlord0432  
Registration timestamp: 2015/02/12 13:18:54  
User location on October 5, 2020 at 18:50:16 UTC:  
US (tz: America/Chicago, ip: 76.30.127.186)

8. On October 5, 2020, SA Alley sent Comcast Cable Communications a DHS Summons request for subscriber records pertaining to IP address: 76.30.127.186:53544 assigned on October 5, 2020 at 18:34:54 UTC.
9. On October 6, 2020, Comcast Cable Communications responded with the following subscriber information:

Subscriber Name:	Xavier Reyes
SSN:	None Found
Service Address:	10811 Eddyrock St., Houston, TX 770891305
Billing Address:	10811 Eddyrock St., Houston, TX 770891305
Telephone#:	(832) 687-4770
Type of service:	High Speed Internet Service
Account Number:	8777703188588290
Start of Service:	Unknown
Account Status:	Active
IP Assignment:	Dynamically Assigned
Email User Ids:	xavier03reyes@comcast.net

10. On March 8, 2021, a federal search and seizure warrant was executed on Eddyrock Street, in Houston, Texas. Upon the execution of said warrant authorized by United States Magistrate Christina Bryan, agents identified and interviewed Xavier Reyes.
11. After being advised on his *Miranda Rights*, REYES agreed to make a statement. REYES stated that he and his paralyzed grandmother were the sole occupants of the residence, that his grandmother owned the home, and that he and his grandmother had separate internet

and cellphone plans. According to REYES, he had internet service through AT&T and cellphone service through Sprint.

12. REYES indicated he used Snapchat, Kik, Facebook, and Instagram for his social media. REYES claimed he had not used Kik in years. REYES stated his username on Snapchat was rey5690, on Facebook was Xavier Reyes, and on Instagram was Carnage5.0.
13. REYES identified the tattoo on his inner right forearm as Venom and identified the tattoo on his inner left forearm as a light saber he got in memory of his father. REYES initially denied using Shiz Nips and dragonlord0432 on Kik. REYES claimed the last username on Kik was rey5690.
14. REYES admitted he drove to the Dayton/Liberty area and had sex in his truck with a dirty blonde female that he met through Snapchat. REYES stated he believes the age of consent to be 17 and acknowledged that sex between a 24-year old and an individual under the age of 17 is illegal.
15. REYES was shown a sanitized photo of the Caucasian female described in paragraph 5. This sanitized photo shows the 13-year old's face with REYES's thumb in her mouth and the Venom tattoo on his inner right forearm. REYES confirmed he recognized the photo and identified the 13-year old by first name only.
16. REYES later admitted he did use dragonlord0432 in the past and stated no other individual had possession of the above described videos. REYES admitted sharing the above described videos with a social media friend on Snapchat and on Kik.
17. REYES confirmed he knew the female described above was 13-years old. He admitted he videoed himself sexually assaulting her and shared the same video.
18. The following items were located in REYES'S bedroom: A black Apple iPhone X bearing Serial Number G6TVRLR93CLF, a black Apple iPhone 11 bearing Serial Number DX4DPUUYN72J, a Samsung Galaxy S8+, a black Apple iPhone, and a black Apple iPhone 11 bearing Serial Number C6KCJ9YDN72J. Both cellphone in the closet were powered on. The black Apple iPhone in the top drawer of the nightstand was powered off.



19. Computer Forensic Analyst (CFA) Prentice Lucas conducted an onsite forensic preview of the Apple iPhone X bearing serial number G6TVRLR93CLF. CFA Lucas recovered a 1 minute 28 second video dated May 05, 2019. The video is described as follows:

This video is of a Caucasian female, approximately 13-years of age, who is fully nude and lying on her back. The Caucasian female appears to be lying on a vehicle seat as a Hispanic male penetrates her vagina with his penis.

20. Based on my training and experience, the files sent by REYES via Kik and the file found on REYES' device meet the federal definition of child pornography as defined by Title 18, United States Code, Section 2256.

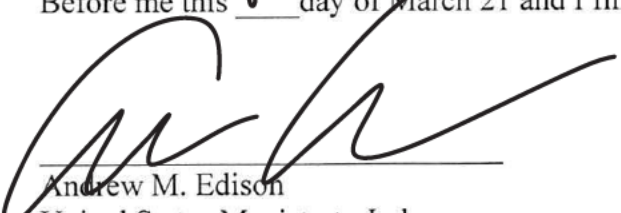
**Conclusion**

21. Based on the information set forth above, your Affiant believes there is probable cause to believe that on or about October 5, 2020, Xavier Jay REYES was in violation of Title 18 U.S.C. § 2252A(a)(2)(B) by distributing child pornography.

  
\_\_\_\_\_  
Laura J. Gill  
Special Agent  
Homeland Security Investigations

SUBSCRIBED and SWORN telephonically.

Before me this 21<sup>st</sup> day of March 21 and I find probable cause.

  
\_\_\_\_\_  
Andrew M. Edison  
United States Magistrate Judge  
Southern District of Texas